

The Gazette of India



EXTRAORDINARY

PART II—Section 3—Sub-section (1)
PUBLISHED BY AUTHORITY

No. 108] NEW DELHI, WEDNESDAY, SEPTEMBER 14, 1960/BHADRA 23, 1882

MINISTRY OF HOME AFFAIRS

ORDER

New Delhi, the 14th September 1960

G.S.R. 1089.—In exercise of the powers conferred by sub-sections (1) and (2) of section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Governments of the States of Maharashtra and Gujarat, approves with certain modifications the scheme forwarded by the Government of Maharashtra relating to the reorganisation of the Board and the Faculty of Ayurvedic and Unani Systems of Medicine, being corporations constituted under the Bombay Medical Practitioners' Act, 1938, (Bom. XXVI of 1938) and now functioning in parts of the States of Maharashtra and Gujarat, and for the purpose of giving effect to the scheme so approved, the Central Government hereby makes the following Order, namely:—

1. Short title and commencement.—(1) This Order may be called the Bombay Board and Faculty of Ayurvedic and Unani Systems of Medicine (Reorganisation) Order, 1960.

(2) It shall come into force on the 22nd day of September, 1960.

2. Definitions.—In this Order, unless the context otherwise requires,—

- (a) "Act" means the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938);
- (b) "appointed day" means the date on which this Order comes into force;
- (c) "Bombay area of the State of Maharashtra" means the area of the State of Maharashtra to which the Act extends;
- (d) "Bombay area of the State of Gujarat" shall have the same meaning as is assigned to it in the Bombay General Clauses Act, 1904, in its application to the State of Gujarat to which the Act extends;
- (e) "existing Board" means the Board of Ayurvedic and Unani Systems of Medicine deemed to be constituted under the Act, which is functioning and operating immediately before the appointed day in a part of both the States of Maharashtra and Gujarat;
- (f) "existing faculty" means the Faculty of Ayurvedic and Unani Systems of Medicine deemed to be constituted under the Act, which is functioning and operating immediately before the appointed day in a part of both the States of Maharashtra and Gujarat;
- (g) all other words and expressions used herein and not defined but defined in the Act shall have the meanings assigned to them in the Act.

3. Dissolution of existing Board and Faculty and constitution of separate Boards and Faculties for Bombay area of State of Maharashtra and Bombay area of State of Gujarat.—(1) As from the appointed day,—

- (a) the existing Board and the existing Faculty shall stand dissolved, and the members thereof shall vacate their office;
- (b) the Government of Maharashtra shall constitute for the Bombay area of Maharashtra—
 - (i) a Board consisting of a President and such other members (not exceeding nine), as that Government may think fit to nominate from amongst registered practitioners, and
 - (ii) a Faculty consisting of a Chairman and such other members (not exceeding seven), as that Government may think fit to nominate from amongst registered practitioners;
- (c) the Government of Gujarat shall constitute for the Bombay area of the State of Gujarat—
 - (i) a Board consisting of a President and such other members (not exceeding seven), as that Government may think fit to nominate from amongst registered practitioners, and
 - (ii) a Faculty consisting of a Chairman and such other members (not exceeding seven), as that Government may think fit to nominate from amongst registered practitioners.

(2) The members of the Boards and the Faculties constituted under clause (b) or clause (c) of sub-paragraph (1) shall hold office for a period of two years, or until a new Board and a new Faculty are duly constituted by the respective State Governments for the respective areas under sections 3 and 3A of the Act, whichever is earlier.

4. Appointment of Registrars.—(1) The Registrar of the existing Board holding office immediately before the appointed day shall, as from that date, be deemed to be appointed as the Registrar of the Board constituted for the Bombay area of the State of Maharashtra, on the same terms and conditions as were applicable to him immediately before that date, and until they are duly varied by a competent authority under the Act.

(2) The Government of Gujarat shall appoint such persons as it deems fit as the Registrar of the Board constituted for the Bombay area of the State of Gujarat. The terms and conditions of his service shall be the same as are laid in section 14 of the Act.

5. Provision relating to employees of existing Board and Faculty other than Registrar.—(1) All officers and servants (other than the Registrar) of the existing Board and the existing Faculty holding office immediately before the appointed day, shall, as from that date, be deemed to have been allotted to serve under the Board and the Faculty constituted for the Bombay area of the State of Maharashtra, on the same terms and conditions which were applicable to them immediately before that date, and until they are duly varied by a competent authority under the Act.

(2) The Government of Gujarat shall appoint officers and servants (other than the Registrar) on the Board and the Faculty constituted for the Bombay area of Gujarat, on the same terms and conditions as are applicable to the officers and servants (other than the Registrar) of the existing Board and the existing Faculty, immediately before the appointed day and until they are duly varied by a competent authority.

6. Provision regarding register and list.—The register and the list duly maintained under the Act, and in force immediately before the appointed day in the Bombay areas of the States of Maharashtra and Gujarat, shall on and from that date be deemed to be the register and the list for each of the areas of the States of Maharashtra and Gujarat to which the Act extends, and the names of registered practitioners and persons on such register and list shall, without further fee or charge, continue thereon for the period for which such registration or entry in the list was made or renewed, or until duly amended or altered under the other provisions of the Act.

7. Recovery of outstanding fees and dues.—All fees and other dues payable to the existing Board and the existing Faculty under the Act shall,—

- (a) if the dues are payable in respect of the period beginning on the first day of May, 1960, and ending on the appointed day, by any practitioner or person who is ordinarily resident in the State of Gujarat, be recovered by the Board, or, as the case may be, the Faculty, constituted for the Bombay area of the State of Gujarat;
- (b) in any other case, be recovered by the Board or, as the case may be, the Faculty constituted for the Bombay area of the State of Maharashtra except that the dues payable in respect of the period prior to the first day of May, 1960, shall be apportioned among the Boards or, as the case may be, the Faculties, constituted for the Bombay area of the State of Maharashtra and the Bombay area of the State of Gujarat in the manner provided in paragraph 8.

8. Division of moneys of existing Board and Faculty.—The cash balances held by the existing Board and the existing Faculty, immediately before the appointed day, shall, after deducting all the liabilities of the existing Board and the existing Faculty upto that date, be apportioned among the Boards or, as the case may be, the Faculties, constituted for the Bombay area of the State of Maharashtra and the Bombay area of the State of Gujarat—

- (a) in the case of the Board, in proportion to the number of practitioners ordinarily resident in the respective area as shown in the register and the list on the appointed day;
- (b) in the case of the Faculty, in proportion to the average number of students who had appeared from the institutions situated in the respective area for the examinations held by it during the three years immediately preceding the appointed day.

9. Residuary provision.—Any other assets or liabilities (except office equipment) of the existing Board and the existing Faculty not expressly hereinbefore provided for, shall be apportioned among the Boards or, as the case may be, the Faculties, constituted for the Bombay area of the State of Maharashtra and the Bombay area of the State of Gujarat in the manner provided in paragraph 8.

10. Legal Proceedings.—Where immediately before the appointed day, the existing Board or, as the case may be, the existing Faculty is a party to any legal proceedings instituted in any court, by or against any practitioner or other person,—

- (a) if the Court is situate in the State of Gujarat, the Board, or, as the case may be, the Faculty constituted for the Bombay area of that State;
- (b) in any other case, the Board, or, as the case may be, the Faculty constituted for the Bombay area of the State of Maharashtra,

shall respectively be deemed to be substituted for the existing Board or, as the case may be, the existing Faculty as a party to those proceedings, and the proceedings may continue accordingly.

11. Contracts.—Where before the appointed day, the existing Board or, as the case may be, the existing Faculty has made any contract which on that date is subsisting, that contract shall be deemed to have been made—

- (a) if the purposes of the contract are as from the appointed day exclusively relatable to the Bombay area of the State of Gujarat by the Board or, as the case may be, by the Faculty, constituted for that area;
- (b) in any other case, by the Board or, as the case may be, by the Faculty constituted for the Bombay area of the State of Maharashtra,

accordingly, all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been the rights and liabilities of the existing Board or, as the case may be, the existing Faculty, be the rights and liabilities of the Board or, as the case may be, the Faculty constituted for the Bombay area of the State of Gujarat or the Board or, as the case may be, the Faculty constituted for the Bombay area of the State of Maharashtra.

12. Transfer of certain proceedings pending before existing Board.—Any proceedings relating to a practitioner which is pending immediately before the

appointed day before the existing Board shall on that date stand transferred for disposal according to law—

- (a) to the Board constituted for the Bombay area of the State of Gujarat, if the practitioner is ordinarily resident in the State of Gujarat; or
- (b) in any other case, to the Board constituted for the Bombay area of the State of Maharashtra.

13. Holding of examinations in Bombay area of State of Gujarat.—Until the Faculty constituted for the Bombay area of the State of Gujarat intimates to the Faculty constituted for the Bombay area of the State of Maharashtra, that the former has made arrangements for holding the qualifying examinations which, immediately before the appointed day, were being held by the existing Faculty, the Faculty constituted for the Bombay area of the State of Maharashtra shall allow the students from the Bombay area of the State of Gujarat to appear for the qualifying examinations held by the Faculty of the Bombay area of the State of Maharashtra and the fees received from such students shall be paid to the Faculty of the Bombay area of the State of Maharashtra.

14. Saving.—Any bye-laws, rules or regulations framed by or in respect of the existing Board or the existing Faculty shall, until other provision is made under the Act by or in respect of the relevant Board or Faculty, be deemed to be bye-laws, rules, or regulations framed by or in respect of the Board or the Faculty constituted for the Bombay area of the State of Maharashtra and the Board or the Faculty constituted for the Bombay area of the State of Gujarat.

15. Adaptations and modifications in the Act.—As from the appointed day, the Act shall, until altered, repealed or amended by the competent Legislature of a State, have effect subject to the provisions of, and the adaptations and modifications directed by, the Schedule annexed hereto.

SCHEDULE

(See paragraph 15)

The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938)

1. After section 3B, the following new section shall be inserted, namely:—

"3C. Temporary provision in respect of Boards and Faculties in Maharashtra and Gujarat, Bombay areas.—(1) The Board and the Faculty constituted under section 3B of the Act and functioning and operating in a part of the areas of the States of Maharashtra and Gujarat to which this Act extends (hereinafter referred to as "the Bombay area of the State of Maharashtra" and "the Bombay area of the State of Gujarat", respectively), immediately before the date on which the Bombay Board and Faculty of Ayurvedic and Unani Systems of Medicine (Re-organisation) Order, 1960, issued under section 4 of the Inter-State Corporations Act, 1957 (Central Act 38 of 1957), comes into force shall, as from that date, stand dissolved and the members thereof shall notwithstanding anything contained in section 6 vacate their office.

(2) As from the date specified in sub-section (1)—

(a) the Government of Maharashtra shall constitute for the Bombay area of the State of Maharashtra—

(i) a Board consisting of a President and such other members (not exceeding nine), as that Government may think fit to nominate from amongst registered practitioners, and

(ii) a Faculty consisting of a Chairman and such other members (not exceeding nine), as that Government may think fit to nominate from amongst registered practitioners;

(b) the Government of Gujarat shall constitute for the Bombay area of the State of Gujarat—

(i) a Board consisting of a President and such other members (not exceeding seven), as that Government may think fit to nominate from amongst registered practitioners, and

(ii) a Faculty consisting of a Chairman and such other members (not exceeding seven), as that Government may think fit to nominate from amongst registered practitioners.

(3) The Board and the Faculty constituted under sub-section (2) shall be deemed to be a Board and a Faculty constituted under sections 3 and 3A respectively.

(4) The members of the Board and the Faculty constituted under sub-section (2) shall, notwithstanding anything contained in section 6, hold office for a period of two years from the date specified in sub-section (1) or until a new Board and a new Faculty are duly constituted for the respective areas under sections 3 and 3A, whichever is earlier".

2. After section 13B, the following new section shall be inserted, namely:—

"13BB. Temporary provision in respect of holding examinations.—Until the Faculty constituted for the Bombay area of the State of Gujarat intimates to the Faculty constituted for the Bombay area of the State of Maharashtra that the former has made arrangements for holding the qualifying examinations which, immediately before the date on which the Bombay Board and Faculty of Ayurvedic and Unani Systems of Medicine (Reorganisation) Order, 1960, issued under section 4 of the Inter-State Corporations Act, 1957 (Central Act 38 of 1957), comes into force, were being held by the Faculty of Ayurvedic and Unani Systems of Medicine, Bombay, the Faculty constituted for the Bombay area of the State of Maharashtra shall allow the students from the Bombay area of the State of Gujarat to appear for the qualifying examinations held by the Faculty constituted for the Bombay area of the State of Maharashtra and the fees received from such students shall be paid to the Faculty constituted for the Bombay area of the State of Maharashtra."

3. After section 18AA, the following shall be inserted, namely:—

"18B. Temporary provision in respect of register and list in Maharashtra and Gujarat, Bombay areas.—The register and the list duly maintained under this Act and in force in the areas of the States of Maharashtra and Gujarat to which this Act extends immediately before the date on which the Bombay Board and Faculty of Ayurvedic and Unani Systems of Medicine (Reorganisation) Order, 1960, made under section 4 of the Inter-State Corporations Act, 1957 (Central Act 38 of 1957), comes into force, shall, on and from that date, be deemed to be the register and list for the Bombay area of the State of Maharashtra and also for the Bombay area of the State of Gujarat and the names of registered practitioners and persons on such register and list shall, without further charge of fee, continue thereon for the period for which such registration or entry in the list was made or renewed, or until duly amended or altered under the other provisions of this Act."

[No. 8/11/60-SR(R)-19.]

HARI SHARMA, Addl. Secy.

